

MEMORANDUM TO: Deputy Personnel Director
FROM : Chief, Personnel Studies and Procedures Staff
SUBJECT : Effective EOD Date of New Overseas Appointees

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1. It is believed that the proposed amendment to CIA Regulation [] is in contravention of rulings of the Comptroller General. Specifically, the amendment proposes that "the effective date of appointment shall be prior to or concurrent with effective date of entrance on duty." Long settled, and frequently reiterated decisions of the Comptroller General have established the principle that appointments are effective from date of acceptance and entrance on duty after the appointing power actually takes action, unless later date is stated in the appointment, and may not be retroactive. (4 CG 845, 8 CG 582, 18 CG 907) Before appointments may be regarded as being legally effective, therefore, the condition of the employee having entered on duty must be in existence. In the case of appointees for overseas duty, the act of initiating travel from residence to proceed to Washington for temporary duty is regarded "entering on duty status", thereby giving the individual a bona fide employee status for per diem and travel purposes from the time he begins travel.

2. The proposed amendment would construe entrance on duty to coincide with the day the employee reports in Washington. It appears that if this were to be done then the person's appointment would have to be regarded as becoming effective on the same date. In this case it would appear further that he could not be regarded as an employee of the Government insofar as his per diem and travel expenses from his residence to Washington are concerned.

3. Whether an employee who begins travel from his residence to Washington (and in so doing "enters on duty status") can be placed in non-pay status to cover even the period of time which travel by common carrier requires is subject to a good deal of question on the part of this office. Inquiry made with representatives of the Department of Defense revealed that that agency regards the individual's appointment to take effect (that is, entrance on duty begins) at such time in advance of his reporting in Washington as it would take to begin travel by common carrier in order to arrive in Washington at the designated date.

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Proposed Amendment to CIA Regulations

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Paragraph B-2

(2) Appointments shall be effective for pay and service credit purposes on the date of entrance on actual duty and such date shall be considered a full day of duty. In the case of individuals appointed at their homes for assignment overseas, with provision for TDY en route, the appointments shall be effective and the appointees considered bona fide employees for other than pay and service credit purposes from the time travel to the temporary duty point is commenced.